

DDA 81-0984/5-

POM 8-1
xRef. PADP

28 July 1981

MEMORANDUM FOR: Director of Logistics

FROM: Harry E. Fitzwater
Deputy Director for Administration

SUBJECT: Designation under Section 3506(b) of the
Paperwork Reduction Act

1. Pursuant to his statutory powers and duties, including those invested in him by the Central Intelligence Agency Act of 1949, as amended, the National Security Act of 1947, as amended, and the Paperwork Reduction Act of 1980, particularly section 3506 thereof, the Director of Central Intelligence (DCI) has designated me as the Agency official responsible for carrying out the responsibilities of the Agency under the Paperwork Reduction Act.

2. The General Services Administration has delegated to the DCI the authority to procure automatic data processing equipment (ADPE) and related items. In order to give effect to the provisions of the Paperwork Reduction Act, particularly section 3506 thereof, the DCI has in turn delegated that authority to me in my capacity as designee under paragraph 1 above. Any previous delegations of this ADPE authority to the Director of Logistics were cancelled.

3. Pursuant to my delegation of authority from the DCI, I may redelegate my authority under this designation and under the ADPE delegation as may be necessary and appropriate. In view of the foregoing, I hereby delegate my ADPE authorities to you, effective 1 July 1981. You may redelegate these authorities as required.

/s/
Harry E. Fitzwater

OL 1 2880

VL FILES

**SUBJECT: Designation under Section 3506(b) of the
Paperwork Reduction Act**

Distribution:

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/s/ James H. McDonald

24 JUL 1981

Director of Logistics

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XRef P
200P

DDA 81-0984/8

Form 8-1
XRef P 200P

28 July 1981

MEMORANDUM FOR: Chief, Contracts Staff,
Office of Development & Engineering

FROM: Harry E. Fitzwater
Deputy Director for Administration

SUBJECT: Designation under Section 3506(b) of the
Paperwork Reduction Act

1. Pursuant to his statutory powers and duties, including those invested in him by the Central Intelligence Agency Act of 1949, as amended, the National Security Act of 1947, as amended, and the Paperwork Reduction Act of 1980, particularly section 3506 thereof, the Director of Central Intelligence (DCI) has designated me as the Agency official responsible for carrying out the responsibilities of the Agency under the Paperwork Reduction Act.

2. The General Services Administration has delegated to the DCI the authority to procure automatic data processing equipment (ADPE) and related items. In order to give effect to the provisions of the Paperwork Reduction Act, particularly section 3506 thereof, the DCI has in turn delegated that authority to me in my capacity as designee under paragraph 1 above. Any previous delegations of this ADPE authority to the Director of Logistics and Chief, Contracts Staff, Office of Development & Engineering were cancelled.

3. Pursuant to my delegation of authority from the DCI, I may redelegate my authority under this designation and under the ADPE delegation as may be necessary and appropriate. In view of the foregoing, I hereby delegate my ADPE authorities to you, effective 1 July 1981. Such delegation is limited to contracts required and funded under National programs.

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Harry E. Fitzwater

OL 1 3023

SUBJECT: Designation under Section 3506(b) of the
Paperwork Reduction Act

Distribution:

Orig - Addressee

2 - DDA

1 - D/L

Originating Office:

/s/ James H. McDonald

Director of Logistics

24 JUL 1981

Date

Distribution Withheld:

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1 - D/L Chrono

1 - EO/OL Chrono

(21 July 1981)

STAT

6 MAY 1981

MEMORANDUM FOR: General Counsel

ATTENTION: FROM: James H. McDonald
Director of Logistics

STAT

SUBJECT: Paperwork Reduction Act of 1980

REFERENCE: Mtp1 Adsee memo from OGC, dated 14 Apr 81,
Subj: Draft Opinion for Comments: Analysis
of the Paperwork Reduction Act of 1980
(OGC 81-03102) (OL 1-1743)

1. I have reviewed the referent memorandum and the Paperwork Reduction Act of 1980, as requested, and would like to submit a few relevant comments for your consideration.

2. Section 3506(b) of the Act (Attachment 1) requires the head of each agency to designate a senior official, who will report directly to the agency head, to administer the paperwork reduction program. Since the Deputy Director for Administration (DDA) exercises the Agency's procurement authorities under Section 3 of the CIA Act of 1949, it is our recommendation that the DDA be designated as the senior official responsible for the program. This recommendation is made on the basis the authority for the acquisition of automatic data processing or telecommunications equipment (ADPE) which currently resides with the Director of Logistics remains unchanged. Remaining duties not related to the ADPE procurement process could be assigned by the DDA to cognizant Agency officials as appropriate.

3. One area of concern is the ADPE exclusion at Section 3502(2) of the Act. That section states that certain ADPE and associated items are excluded from application of the Act where: (A) its function, operation or use involves intelligence activities; or (E) it is critical to the direct fulfillment of military or intelligence missions, provided that exclusion E shall not include ADPE used for routine administrative and business applications such as payroll, finance, logistics, and personnel management. Exclusion E could clearly create disruptions if applied to the Agency, since its applicability depends in large part on the intended meaning of terms such as "critical," "direct," and "routine." Although exclusion A could arguably provide for the conclusion that all Agency ADPE is excluded from the Act, we have no

OL 1 1743a

SUBJECT: Paperwork Reduction Act of 1980

assurance that such an interpretation would prevail. In this regard, Congressman Jack Brooks is quoted as saying that the "Defense Department, the main opponent of the legislation, will be reminded that only a limited number of sensitive national security operations were exempted from OMB oversight of federal DP under the law" (underscoring supplied). (See Attachment 2.) Given this view of a key member of Congress, who is in a position to closely monitor and affect the ADPE delegation to this Agency, we would recommend that every effort be made to clarify this point and ensure the applicability of exclusion A to all Agency activities.

James H. McDonald

Attachments

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Page Denied

H. R. 6410—8

including, where necessary, development of legislation to implement such recommendations;

"(E) develop, in consultation with the Administrator of General Services, a five-year plan for meeting the automatic data processing and telecommunications needs of the Federal Government in accordance with the requirements of section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) and the purposes of this chapter; and

"(F) submit to the President and the Congress legislative proposals to remove inconsistencies in laws and practices involving privacy, confidentiality, and disclosure of information.

"§ 3506. Federal agency responsibilities

"(a) Each agency shall be responsible for carrying out its information management activities in an efficient, effective, and economical manner, and for complying with the information policies, principles, standards, and guidelines prescribed by the Director.

"(b) The head of each agency shall designate, within three months after the effective date of this Act, a senior official or, in the case of military departments, and the Office of the Secretary of Defense, officials who report directly to such agency head to carry out the responsibilities of the agency under this chapter. If more than one official is appointed for the military departments the respective duties of the officials shall be clearly delineated.

"(c) Each agency shall—

"(1) systematically inventory its major information systems and periodically review its information management activities, including planning, budgeting, organizing, directing, training, promoting, controlling, and other managerial activities involving the collection, use, and dissemination of information;

"(2) ensure its information systems do not overlap each other or duplicate the systems of other agencies;

"(3) develop procedures for assessing the paperwork and reporting burden of proposed legislation affecting such agency;

"(4) assign to the official designated under subsection (b) the responsibility for the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759); and

"(5) ensure that information collection requests required by law or to obtain a benefit, and submitted to nine or fewer persons, contain a statement to inform the person receiving the request that the request is not subject to the requirements of section 3507 of this chapter.

"(d) The head of each agency shall establish such procedures as necessary to ensure the compliance of the agency with the requirements of the Federal Information Locator System, including necessary screening and compliance activities.

"§ 3507. Public information collection activities—submission to Director; approval and delegation

"(a) An agency shall not conduct or sponsor the collection of information unless, in advance of the adoption or revision of the request for collection of such information—

"(1) the agency has taken actions, including consultation with the Director, to—

April 27, 1981

COMPUTERWORLD

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Triumph Over Government-as-Usual

Brooks: Paperwork Reduction Act 'Big Victory'

By Jake Kirchner

CW Washington Bureau

WASHINGTON, D.C. — Jack Brooks loves a good fight — especially if he wins it.

And to hear the veteran Texas Democrat, chairman of the House Government Operations Committee, tell it recently in his keynote address to the Federal DP Expo here, passage of his Paperwork Reduction Act last year was a major victory over the forces of government-as-usual — the backsliding, bureaucratic minions of the recalcitrant, cantankerous agencies that have resisted for 15 years the reforms to government DP procurement and use mandated in his earlier law, the 1965 Brooks Act.

Brooks said he has pursued the cause of better federal DP management for these 15 years because of "an unshakable belief in the benefits" of data processing in promoting agency missions. He has persisted despite the "unbelievable" fight-to-the-death attitude agencies have toward management reform.

All and all, he said of the battle, "it's kind of interesting, and I enjoy now and then winning one." And he has no doubt the Paperwork Reduction Act was a big victory. It promises, he said, "to be one of the most significant and far-reaching statutes."

Reduce Costs

The law will "reduce the costs of government while improving the delivery of essential services." This is no mean feat, Brooks said, considering the threat of current federal DP practices to government efficiency and considering the public's paperwork burden that is "drowning our citizens" in a sea of government forms and reports.

For too long, he continued, agencies "have treated information as a free good" with little or no regard to the cost to the public and government or the ability of agencies to manage information.

Like Daniel in the lions' den, Brooks told his audience of federal DPs that some federal programs and systems "are so bad you can't mess them up any more, and I don't laugh 'cause I voted for most of them."

In short, he said, "government's traditional systems are breaking down under the burden." The Paper-

work Reduction Act will change all that, he said, through its mandate for strong Office of Management and Budget (OMB) oversight of federal DP and the appointment high-level officials in every agency to plan and be responsible for adequate information resources management.

The appointment of these officials, according to Brooks, "provides for the first time the essential leadership and direction for government to address the information problems it faces now and in the future."

Acknowledging that executive agencies naturally resist congressional oversight, Brooks said his new legislation "is not a matter of con-

gressional interference." Congress merely set the structure; it is up to the Administration to appoint the people and set the policies to insure the new law's success.

Adverse Reaction

Adverse agency reaction was expected, he said. "I never blame a man for trying, but it's your own fault if he succeeds," he added, promising continued congressional scrutiny of the paperwork reduction law's implementation through the yearly appropriations process. If the law fails, it will be the fault of Congress.

Brooks said he will also carefully monitor OMB implementation ac-

tions to make sure the agency does not accentuate regulatory reform at the expense of information management reform.

He also said the Defense Department, the main opponent of the legislation, will be reminded that only a limited number of sensitive, national security operations were exempted from OMB oversight of federal DP under the law.

The Paperwork Reduction Act, he said, ushers in "a new era in federal information management," an era in which "far-reaching and significant technological changes will occur in the government and in society as a whole."

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